

Appeals of final administrative orders

HB 2511 by Hilbert (Henderson)

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| DIGEST: | HB 2511 would have amended the Administrative Procedure and Texas Register Act to limit appeals of final administrative orders to parties who actually had participated in the agency hearings and had been harmed as a result of agency action. |
| GOVERNOR'S REASON FOR VETO: | <p>"This bill would amend the Administrative Procedure and Texas Register Act to limit persons who have standing in administrative hearings and judicial appeals of those hearings. State agencies could be a party in hearings only if required or permitted to participate. On appeal, a person would be required to 'allege and demonstrate that he has suffered specific, adverse injury or damage other than merely as a member of the general public.'</p> <p>"The second limitation is more troubling. The effect is to deny the participation of citizen groups and public interest advocates in the judicial process. In addition, the bill appears to require a showing of injury already suffered in the past as a basis of establishing a justiciable interest. Since many licensing and permitting actions deal with the question of possible future harm if the license or permit is granted, this provision would virtually eliminate appeals in many administrative hearings."</p> |
| RESPONSE: | Rep. Paul Hilbert, the author of HB 2511, was unavailable for comment. Sen. Don Henderson, the Senate sponsor, had no comment. |
| NOTES: | HB 2511 passed the House on the Consent Calendar on April 30 and was not analyzed in the <i>Daily Floor Report</i> . |